

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ASBESTOS PRODUCTS LIABILITY LITIGATION (NO. IV)	CIVIL ACTION MDL DOCKET NO. 875
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This motion relates to:

Jacobs v. Owens-Illinois, Inc., et al., Zickert v. Bayer Crop Science Inc., et al., Heckel v. 3M Company, et al.,	Case No. 13-60011 Case No. 13-60013 Case No. 13-60019
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**PLAINTIFFS' MOTION AND MEMORANDUM PURSUANT TO RULE 1 OF THE
FEDERAL RULES OF CIVIL PROCEDURE FOR SUGGESTION OF REMAND**

Plaintiffs move this Court pursuant to Rule 1 of the Federal Rules of Civil Procedure to remand their cases back to the Western District of Wisconsin, where the cases were originally filed.

ARGUMENT

1. Plaintiffs previously filed a motion for remand of the cases which was denied. This Court previously ruled that circumstances could change and that remand of these cases could be appropriate. See Exhibit 1 (4/30/2014 Order denying previous Motion for Suggestion of Remand).
2. The order should be reconsidered based on recent developments. Defendant Weyerhaeuser has now filed Rule 12(b)(6) motions in the MDL. Remand would now promote just and efficient resolution of these cases.
3. These cases should be remanded so a single judge hears the matters to prevent inconsistent or different rulings.

4. In the event there are appeals of any of these orders, the appeals would be heard by a single circuit. The appeals should be heard by the 7th Circuit where the cases originated.
5. The MDL cases are no longer in a different procedural posture than the cases in the Western District of Wisconsin because defendant Weyerhaeuser has filed Rule 12(b)(6) motions to dismiss in all of these cases and because Magistrate Judge Strawbridge has stayed all discovery in the instant MDL cases.

Conclusion

Plaintiffs move this Court to suggest remand of these cases.

Dated: September 26, 2014

/S/ Robert G. McCoy
Robert G. McCoy

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